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Integrity and Ethical Standards in New York State Government: Final Report to the Governor

New York State Commission on Government Integrity

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INTEGRITY AND ETHICAL STANDARDS IN NEW YORK STATE GOVERNMENT: FINAL REPORT TO THE GOVERNOR

New York State Commission
on Government Integrity

September, 1990

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September 18, 1990

The Honorable Mario M. Cuomo
Governor
State of New York
State Capitol
Executive Chamber
Albany, New York 12224

Dear Governor Cuomo:

This letter constitutes the final report of the Commission on Government Integrity.

The Commission was created by Executive Order 88.1 and directed to examine a wide variety of subjects concerning government integrity in New York State. Since its inception, the Commission has submitted 20 reports containing specific recommendations for reform of New York laws, regulations and procedures. Some of these recommendations can be implemented by executive order; others require action by the New York State Legislature. Most of the recommendations would impose no additional cost on the taxpayer. The Commission's reports and recommendations are summarized in Appendix A.

We would be remiss if we did not acknowledge the extraordinary dedication of the Commission's staff (listed in Appendix C) throughout our tenure. Their service to the citizens of this State was exemplary.

The Commission has had an active existence. It met frequently, conducted 25 days of public hearings (see Appendix B), questioned more than 1000 individuals privately or publicly, and examined many thousands of government records and documents. In all, the Commission exercised its subpoena power 213 times. As part of its investigative work, the Commission uncovered evidence of possible violations of law which it has transmitted to the appropriate law enforcement authorities as directed by the Executive Order. The Commission also has conducted investigations that did not result in reports or hearings, testified in support of its recommendations before committees of the New York State Legislature, and addressed numerous citizen and government groups throughout the State of New York.

The Commission has engaged in extensive litigation in state and federal courts to enforce its subpoenas and respond to efforts designed to hinder its investigative work. The results of the litigation were

uniformly favorable to the Commission's authority, in some instances establishing new legal precedents. Appendix D sets forth the cases in which we were a party.

Based on the Commission's work over the past 40 months, it has found that the laws, regulations and procedures of New York State fall woefully short in guarding against political abuses in an alarming number of areas. We have thoroughly exposed these weaknesses repeatedly in our hearings and reports. Despite significant steps taken in New York City and a few other local governments and a tentative beginning by the State in 1987 with the passage of the Ethics Act and the creation of this Commission, we are of the unanimous view that New York State has not yet demonstrated a real commitment to ethical reform in government.

Our State trails the pack in the area of government ethics legislation, a field in which we should play a leadership role. The campaign finance law of the State is a disgrace and embarrassment; incumbents are favored unfairly by the State Election Law; the laws governing access to the primary ballot are completely at odds with the democratic principle of open elections; judges are elected in a manner that weakens the independence of the judiciary; personnel practices are tainted with politics; municipal officials are given little guidance in handling conflicts of interest; and untold millions of taxpayer dollars are wasted as a result of flawed contracting procedures.

As we have repeatedly emphasized, the area that cries out most urgently for immediate legislative action is campaign finance. The Commission recognized early in its work that there was no more important source of erosion of confidence in government. Continued investigations reinforced that belief. Indeed, New York State may have the most primitive system in the United States. Consider the following deficiencies:

First, there are no meaningful limits on the size of campaign contributions. They are so high that to call them "limits" is a mockery. Moreover, the \$5000 annual limitation on corporations is easily evaded by using subsidiary and related corporations to make contributions.

Second, the State Board of Elections lacks the wherewithal to enforce existing limits on campaign contributions. It does not have the resources; it does not have the required degree of independence from those it must police; and its makeup of two members from each major political party inevitably results in either logrolling or frequent deadlocks.

Third, New York State's current disclosure rules do not produce

disclosure. The statements filed by candidates do not have to be typed or even be legible, and many are not. Moreover, candidates do not have to reveal their contributors' employers; political advertisements do not have to state their sponsors; and the Board of Elections is not required to publicize widely the information it receives. The effect of the current disclosure requirements is to allow candidates to hide their sources of support. It appears that government in New York does not want the public to know who pays the cost of bringing their leaders to office. The State's failure to address the issue of disclosure emphasizes the lack of commitment to government ethics reform in New York.

Fourth, we found at both the State and the local level a widespread and corrosive practice of public officials soliciting campaign contributions or support from public employees and from those entities doing business with government. This practice inevitably leads to at least a strong potential for abuse.

In order to perform its investigative work, the Commission was required to launch a massive project to computerize for the first time in the history of the State the Financial Disclosure Records of the Board of Elections. The Commission disseminated the information yielded by this project throughout the State and provided the Board with the results of our work. This is merely a start. It remains for the political leaders of the State to take the steps necessary to remedy the alarming weakness in the area of campaign finance disclosure and enforcement.

You cogently testified before our Commission: "I believe that a continued improvement by our legislature, a persistent, undeviating emphasis on reform by the executive — together with your help — can make this the beginning of the most exciting reform era in this State's history." Overall, we have found that the unwillingness of New York's political leaders to embrace major ethics reforms in the many areas referred to erodes government integrity. We have given careful consideration to the urgent need for ethical government in New York State and have made many important recommendations. In our view, the leaders of both major parties have failed the citizens of New York by not insisting upon much needed ethics reforms.

Regrettably, there has been no serious public debate of ethics issues in the halls of government in Albany since 1987 — debate which would have served to inform the people of the State. Instead partisan, personal and vested interests have been allowed to come before larger public interests. At a time when people around the globe are looking

at democracy as a model, we are not proud of New York's failure to take a strong leadership role in areas of ethics reform.

We believe that you, along with Senate Majority Leader Marino and Assembly Speaker Miller, can play a major role in creating the political will and giving the citizens of New York a period of ethics reform of which they can be proud. We urge that this be done.

The work of our Commission in laying out an agenda for restoring the public trust in New York is at an end. However, we as private citizens will continue to press for government ethics reform. The Commission has presented you with a strong set of recommendations for reform pursuant to the broad mandate of your Executive Order. We continue to hope that you and other New York leaders will give government ethics reforms the emphasis which they deserve and make this an era of reform rather than one of shame and squandered opportunity.

Respectfully submitted,

_____/s/
John D. Feerick
Chairman

_____/s/
Richard D. Emery

_____/s/
Patricia M. Hynes

_____/s/
James L. Magavern

_____/s/
Bernard S. Meyer

_____/s/
Bishop Emerson J. Moore

_____/s/
Cyrus R. Vance

Appendix A — Summary of Commission Reports

The following is a brief description of the investigations undertaken in connection with the Commission's reports, a summary of the Commission's recommendations, and a description of the response, if any, to those recommendations.

1. Campaign Financing: Preliminary Report

This preliminary report on campaign financing, issued in December, 1987, provided the Commission's earliest conclusions and preliminary recommendations in this area. It was based on several ongoing investigations which later became the subject of subsequent reports, on a study of New York's current law and the significant literature in the field, and on communications with scores of interested persons around the State. It was also based on testimony provided by experts in New York City and Buffalo on November 21-23, 1987. Their testimony revealed a widespread national view that this State's campaign finance laws are antiquated and that the State has failed to demonstrate leadership in the area of campaign financing.

The Commission urged the State Legislature to enact a new campaign financing law and summarized four key elements of reform: (1) Campaign contribution limits should be drastically reduced and direct contributions from corporations, labor unions, and those doing business with government should be prohibited. (2) Full, detailed and timely disclosure should be required of all campaign contributions and expenditures. (3) Optional public funding of elections should be established for statewide offices, coupled with carefully prescribed expenditure limits for those campaigns, and removal of state law barriers to public funding for local elections. (4) A new, adequately funded Campaign Financing Enforcement Agency should be created with extensive powers to implement and enforce campaign finance laws and regulations.

In February, 1988, New York City adopted a new Campaign Finance Act, which was analyzed in a subsequent report, *Unfinished Business: Campaign Finance Reform in New York City*. Also in 1988, State legislation was adopted which extended the disclosure requirements to the so-called housekeeping accounts of the political parties. However, unlike the City, the State has enacted no major legislation in the area of campaign financing.

2. Open Meetings Law: Report and Recommendations

This report, issued in December, 1987, recommended reforms of

New York State's Open Meetings Law, which provides that, with some specific exceptions, "[e]very meeting of a public body shall be open to the general public." This law is intended to do away with the type of back-room decision-making which permits self-dealing by government officials and promotes public cynicism. As the Commission found, the law needs to be substantially strengthened in order to achieve this goal.

The Commission's report was the culmination of an exhaustive review of the law that included two days of public hearings in Rochester on November 4-5, 1987, during which eighteen witnesses gave testimony. The Commission's principal recommendation was the repeal of a 1985 amendment to the Open Meetings Law which permits members of the majority party of local legislatures to deliberate secretly about public business. The closed caucuses permitted by the amendment deprive citizens of their right to know why and how their lawmakers reach decisions, deprive minority party members of vital information that is often conveyed at those meetings, and undermine the minority's ability to represent constituents.

The Commission also recommended the following: (1) The law should be strengthened to include fines if public officials knowingly and intentionally violate the law. (2) Courts should be given the authority to set aside any action of a local legislature if it meets secretly, in violation of the law, to deliberate and resolve issues that are then voted on in a perfunctory open meeting. (3) The law should prohibit the deliberate structuring of less-than-quorum meetings in order to circumvent the law and discuss public business in secret.

Although the Commission's recommendations have been reflected in the Governor's program bills pending before the Legislature, no legislative action has been taken in this area since the Commission's report was filed.

3. Ethics in Government Act: Report and Recommendations

After analyzing the 1987 Ethics in Government Act, the Commission filed this report in April, 1988, recommending amendments to strengthen the Act. The major improvements recommended by the Commission were these: (1) The law should bar all appearances by public officials on behalf of private clients before state agencies. (2) The restrictions on outside appearances by public officials and employees should be expanded to include all agencies and governing bodies of political subdivisions of the State. (3) Executive branch officers and employees should be required to disqualify themselves from taking any official action that might be influenced by personal finan-

cial interests. (4) Prosecutors should be permitted to prosecute intentional violations of the Act, without having to first receive a referral from one of the oversight commissions created by the Act. (5) The Act should clearly establish that civil and criminal liability will not be pre-empted by correcting violations which are intentional. (6) The Act's pre-emption of professional disciplinary codes and other regulations governing ethical conduct should be repealed. (7) All government employees in policy-making positions, and not just those earning over \$30,000, should be required to file financial disclosure forms, and the value of financial interests should be publicly reported.

Although some of the Commission's recommendations have been adopted by the Legislature, its major recommendations have not yet been adopted.

4. Crime Shouldn't Pay: A Pension Forfeiture Statute for New York

New York State currently has no policy mandating the forfeiture of pension benefits by a public official who has been convicted of a crime. After studying the current law and practice in this State and in other states, the Commission filed this report in May, 1988, concluding that the cause of government integrity would be promoted by the prompt passage of pension forfeiture legislation. The law should provide that after the law goes into effect, employees who join a state or local retirement system should forfeit their publicly financed retirement benefits if convicted of a felony which constitutes a breach of their official duties or responsibilities. To avoid undue hardship, however, the public employee's dependents should be entitled to assert a claim, based on financial need, to a portion of the employee's pension benefits, provided they had no culpability for the acts upon which the felony was based. Although legislation in this area is currently pending, none has been enacted since the Commission issued this report. This year, citing the Commission's recommendations, the Governor vetoed a bill that would have protected the pensions of police and firefighters who are dismissed for wrongdoing.

5. Becoming a Judge: Report on the Failings of Judicial Elections in New York State

The Commission conducted an eight-month investigation and study of judicial selection in New York State which included interviews of approximately 50 sitting and former judges around the State, and more than 60 experts, political figures, spokespersons for various organizations concerned with judicial selection and other individuals

acquainted with the selection of judges in various parts of the State. The Commission also subpoenaed or otherwise obtained relevant documents from different political organizations, from the New York State Board of Elections, and from various county Boards of Election, and, on March 3 and March 9, 1988, held public hearings concerning issues raised in the course of this investigation. The investigation focused on Queens County as representative of the practice elsewhere throughout the State.

In May, 1988, after concluding its extensive investigation, the Commission filed this report which detailed the ways the political system both exerts pressure on elected judges and excludes people without political connections from consideration for judgeships. The Commission recommended an appointive system for judicial selection to remedy these flaws. The appointive system should embody the following basic features: (1) nominating commissions that refer only a small number of candidates for possible appointment; (2) a decentralized system of nominating commissions; (3) broad community representation on each nominating commission; (4) automatic retention of sitting judges who have demonstrated competence and integrity; (5) dispersal of the power over appointments to various political authorities; (6) aggressive outreach to recruit qualified applicants; and (7) public accountability of nominating commissions through the disclosure of relevant statistical information about applicants, nominees and appointees.

Although some of the Commission's recommendations have been reflected in the Governor's program bill, no legislation has been enacted so far.

6. Access to the Ballot in Primary Elections: The Need for Fundamental Reform

The Commission examined the New York State laws governing access to the ballot in primary elections as well as the extensive litigation generated by those laws. The Commission also reviewed the ballot access laws of other states as well as the comments of civic groups, bar organizations, and others. Based on its examination, the Commission filed this report in June, 1988, finding the requirements for access to the primary ballot to be inordinately complex and restrictive, with the result that eligible voters are denied a meaningful opportunity to choose their parties' nominees.

The Commission concluded that a complete overhaul of the ballot access laws is needed, and urged the Governor, in consultation with the Legislature, to appoint a multipartisan panel to study New York's

laws and to recommend an alternative approach. Among other things, the panel should consider proposing legislation which would (1) eliminate the technical requirements of the petition process; (2) decrease the number of signatures required to obtain a place on the ballot; and (3) allow a candidate to obtain a place on the ballot by paying a fee instead of gathering signatures. In addition, legislation should be enacted immediately to provide that candidates will not be penalized for substantial deviations from the requirements of the current ballot access law.

So far, no action has been taken in this area.

7. Campaign Finance Reform: The Public Perspective

This report, issued in July, 1988, presented the findings of a study designed to understand the public perspective on the current campaign finance laws and practices and the need for reform. A public opinion poll among 800 registered voters statewide was taken. The study found that 58% of the voters who were polled believed that corporations contribute in order to influence or control a candidate and 61% believed that labor unions contribute for that purpose. 61% of the voters polled believed that corporations exert too much control over state government decisions, and 41% felt that labor unions were too influential. The study also revealed that New York voters are concerned about the high cost of campaigns and they favor campaign reform. Moreover, although New York voters are initially opposed to public funding, their opposition softens when they learn that candidates would have to voluntarily limit their campaign expenditures to qualify for public funding, that campaign funding would come through a combination of private contributions and taxpayer check-off allocations, and that the system of checking off on taxes has been successful in New Jersey. After learning about these factors, 39% favored public funding, while 30% favored keeping private contributions but strengthening the campaign laws. Moreover, when told that public funding would cover both state-wide and state legislative races, 44% favored public funding.

8. The Albany Money Machine: Campaign Finance For New York State Legislative Races

The Commission undertook an extensive investigation of state legislative funding practices, which included an analysis of a substantial amount of data available from candidates' and party legislative campaign committees' filings with the Board of Elections. The Commission compiled in computerized form and analyzed, among other

things, information contained in campaign filings for the Assembly and Senate Republican and Democratic legislative campaign committees over a five-year period. We also reviewed detailed campaign financing statistical data compiled by Professor Jeffrey M. Stonecash of the Maxwell School of Syracuse University, and reviewed the available data and scholarship concerning the nature and effects of campaign financing reforms in other states. In addition, we considered testimony and submissions offered by campaign financing experts at our public hearings in October, 1987, and by contributors and campaign managers at our hearings in March, 1988.

The computerized data base enabled the Commission to develop more information than ever before known about patterns of campaign contributions in New York State legislative races, and to dispel the commonly-held misconception that PACs had little influence on statewide races. The investigation resulted in this report, issued in August, 1988, which detailed how torrents of money, unrestrained by real limits, pour from corporations, PACs and unions into the coffers of Democratic and Republican legislative campaign committees, and how top legislative leaders control the committees' swollen purses, funneling large sums to hotly contested races and transferring lesser amounts to the campaigns of incumbents seeking reelection to "safe" seats. The Commission found that this creates an unhealthy climate of indebtedness, with some candidates owing their success to party leaders who are in turn dangerously dependent on large contributions from special interests and those doing business with the government.

The Commission reaffirmed recommendations made in its preliminary report on campaign financing and made the following additional recommendations: (1) Limits should be imposed on contributions to party committees, including to legislative party committees. (2) Limits on contributions to or transfers from individual legislative candidates to other candidates and to party committees should be the same as limits on contributions by individuals to candidates and party committees. (3) Individuals should be limited to one reporting committee. Similarly, legislative party campaign committees should be required to make all disclosure statements through one committee per party, per house. (4) In order to provide assistance to challengers, who lack the name recognition and visibility of incumbents, the State should sponsor publication and distribution of a voter pamphlet, prior to primaries and general elections, which contains a photograph and brief position statement for each candidate.

So far, no legislative action has been taken in response to the Commission's recommendations.

9. Unfinished Business: Campaign Finance Reform in New York City

The third in a series on campaign finance practices, this report, issued in September, 1988, examined in detail the weaknesses in New York City's new Campaign Finance Act, which was signed into law by Mayor Koch on February 29, 1988. It drew upon the evidence from three days of public hearings in March and June, 1988, and the fruits of its investigations and staff research. The Commission recommended the passage of an amendment to the New York City Campaign Finance Act which would ban corporate contributions from those doing business with the City; prohibit loans and loan guarantees (other than in the ordinary course of the lender's business) in excess of \$3,000 per election; and prevent candidates from accepting contributions more than 15 months before the primary election. The Commission also called upon the City to pursue aggressively the modernization of the Board of Estimate's recordkeeping practices so that the public can readily monitor the extent to which contributors benefit from favorable action by elected City officials on the Board.

In response to the Commission's investigation, Mayor Koch announced his commitment not to accept more than \$3,000 from a corporation and its affiliates combined, and City Comptroller Goldin announced that he would not accept contributions at all from either corporations or corporate PACs for his 1989 campaign. The sum of the Commission's recommendations were reflected in New York City's Campaign Finance Act of 1988 and in regulations adopted by the New York City Campaign Finance Board pursuant to that Act. Additional recommendations by the Commission have been reflected in recommendations for further reform which recently were made by the Campaign Finance Board. Among other things, the city law now requires corporate contributors to disclose their subsidiary and affiliated corporations. Limits were imposed on spending by candidates who accept public financing and the spending limits on City Council races were raised.

10. Restoring the Public Trust: A Blueprint for Government Integrity

Issued in December, 1988, this 37-page booklet summarized the Commission's previous recommendations for legislative reform in six areas: campaign financing, ballot access, judicial selection, the Ethics in Government Act of 1987, pension forfeiture, and the Open Meetings Law. It was intended to forge the Commission's recommenda-

tions into a concise agenda, to spark debate and to stimulate citizen involvement in the issues.

11. Municipal Ethics Standards: The Need for a New Approach

This report, filed in December, 1988, criticized lax state ethical rules for local governments and proposed a new law which would more effectively prevent conflicts of interest, outlaw other unregulated unethical practices and beef up enforcement. The proposed "Municipal Ethics Act" is designed to set uniform minimum ethical standards while enabling local governments to adopt more stringent legislation where they deem it appropriate. An early version of the proposed Act was initially distributed in May, 1988 to municipalities, civic organizations, good government groups and experts throughout New York State for comment. Based on the comments we received, the proposed Act was revised and a public hearing was held in Albany on November 22, 1988 to elicit further comment. After hearing testimony from nine witnesses, the Act was further revised and then transmitted to the governor.

The proposed Act would simplify, broaden and strengthen current law in several ways. First, it would fill large gaps in existing law and regulate a much broader range of direct and indirect conflicts. Second, it would cover situations where no municipal contracts are involved, but where officials act to benefit themselves or others related to them. Third, the Act would provide an important safeguard by requiring disclosure by officials of direct and indirect financial interests in matters they act on in their official capacity. Fourth, the Act would preclude public officials from receiving financial benefits not available to the general public. Fifth, it would restrict the solicitation by municipal officers and employees of participation in election campaigns or political contributions, and require disclosure of campaign contributions to municipal officers and employees by those submitting written bids or applications to the municipality. Finally, the Act would establish a more effective enforcement mechanism by creating strong, independent ethics boards with the power to investigate violations and impose civil sanctions.

The Governor has placed before the Legislature a modified version of the Commission's proposed Act, and the New York State Assembly held hearings on it. In addition, it is our understanding that several municipalities have, on their own initiative, adopted significant provisions from the proposed Act. The Commission has also turned over to the Temporary State Commission on Local Government Ethics various material it compiled regarding the conflict of interest laws

of New York State and other jurisdictions to assist it in its work. In addition to enforcing the financial disclosure provisions of the 1987 Ethics in Government Act with respect to municipalities, the Temporary State Commission is required to propose new legislation governing ethics in municipalities throughout the state. N.Y. Gen. Mun. Law § 813(9)(l) (McKinney 1991).

12. The Midas Touch: Campaign Finance Practices of Statewide Officeholders

This report, issued in June, 1989, concerned the campaign finance practices of the highest statewide officeholders — Governor Cuomo, Attorney General Abrams and Comptroller Regan. It drew on the Commission's previous investigations in the area of campaign finance, as well as on three days of public hearings in September, 1988 and March, 1989, in which testimony was given by Governor Cuomo, Attorney General Abrams, Comptroller Regan, Senate Majority Leader Marino, and Assembly Speaker Miller. The report detailed the ways that the fund-raising practices of major officeholders contribute to the public's cynical view that big gifts buy influence. It found that these officeholders are part captives and part willing participants in a system that pushes incumbents to rely on large gifts from those who have an economic interest in the decisions of their office.

The Commission made a number of recommendations, some of which had been included in earlier reports. The recommendations, many of which have been included in the Governor's program bill, included the following: (1) Drastically reduced limits should be imposed on the amounts that individual contributors may give to candidates, to party committees, to PACs, and in the aggregate to all candidates. (2) A public funding system for statewide races should be adopted. (3) An agency responsible for implementing and enforcing the campaign finance laws should be established separate from the existing Board of Elections. (4) Effective reform of present campaign finance disclosure requirements is needed, including a far more effective system to record, publicize and disseminate campaign finance information. (5) Restrictions should be imposed on the use of official staff for political fund-raising.

In response to the Commission's investigation and hearings, Attorney General Abrams, who had previously adopted a narrow policy of restraint in accepting contributions from some category of contributors who did business with his office, announced additional voluntary restrictions he would place on his own fund-raising. In addition, Governor Cuomo agreed to abide by the fund-raising constraints of

the campaign finance bill that he proposed and the Assembly passed in 1988. Comptroller Regan also pledged voluntary restraints until a reform statute is enacted.

13. "Playing Ball" with City Hall: A Case Study of Political Patronage in New York City

This 82-page report, issued in August, 1989, focuses on the causes and harmful effects of patronage at the New York City Mayor's Talent Bank and two large mayoral agencies, the Department of Environmental Protection and the Department of Transportation, primarily during the years 1983-86. The report was based on an extensive investigation during which the Commission's staff interviewed scores of witnesses, reviewed thousands of pages of documents from City files and elsewhere, and took private sworn testimony from 49 individuals. In addition, the Commission heard testimony from 20 witnesses during four days of public hearings in New York in January and April, 1989, and consulted with experts in public administration and personnel policy.

The Commission called for restructuring of the City's personnel system to protect against patronage and outlined the following specific recommendations: (1) Day-to-day oversight of personnel decisions should be removed from the Mayor's Office, which used its authority as a powerful lever to make sure that candidates referred by political figures were hired. (2) A separate Appointments Office should be created to handle the hiring of a small number of senior employees at the highest levels. (3) Widespread notice of all job vacancies should be required by law rather than by a waivable mayoral directive. (4) Open and equitable selection procedures should be adopted for all positions. (5) The shockingly high percentage of provisional employees should be drastically reduced.

This investigation led to the removal of the Talent Bank from City Hall and the resignation of the person who had supervised it.

14. Evening the Odds: The Need to Restrict Unfair Incumbent Advantage

The Commission conducted two separate investigations which disclosed evidence of the unfair advantage enjoyed by incumbents campaigning for public office. One investigation, which included a public hearing in New York in July, 1989, revealed that during the 1984 State Senate campaign of Thomas Santucci, the son of Queens County District Attorney John Santucci, employees of the Queens County District Attorney's Office solicited and received after-hours

campaign assistance and monetary contributions from numerous staff members. The second investigation revealed that in the course of a hotly contested election campaign in 1987, the then Suffolk County Executive spent hundreds of thousands of dollars in public funds on a variety of communications bearing his name and picture in an effort to enhance his prospects for reelection.

The Commission recommended the following measures to prevent the improper use of public resources for campaign purposes: (1) With limited exceptions, a ban should be imposed on the use of public resources (including on-the-job time of public employees, public facilities, public equipment, and information compiled for public purposes and not generally available to the public) for campaign activities. (2) The use of public resources should be prohibited for mass mailings and communications that bear the name, voice or likeness of a candidate for office. (3) Public employees should not be allowed to solicit other public employees to work on, or contribute to, campaigns. (4) A strong agency should be created to formulate specific guidelines, to enforce the law, and to educate candidates, public employees and the general public.

So far, no legislation has been adopted in response to the Commission's recommendations.

15. Expanding Drug Treatment: The Need for Fair Contracting Practices

This report, filed in December, 1989, urged that radical changes be made in the way the State gives funds to and monitors private drug treatment providers. The Commission's recommendations were the product of a year-long investigation into the contract practices at the New York State Division of Substance Abuse Services (DSAS) of the New York State Department of Mental Hygiene, including, in particular, its contracts with four new drug-free residential programs in New York City, three of which failed to treat a single client. The investigation disclosed that in each of four cases, the DSAS lax and informal contracting process allowed favoritism in decision-making and taxpayer dollars to be squandered.

The Commission's recommendations were as follows: (1) DSAS should adopt more specific and stringent contracting procedures to bring more objectivity and accountability to its decision-making process. For example, the agency should identify funds available for new and expanded treatment services and award them by a competitive process which includes the use of objective criteria for rating funding applicants. Likewise, the agency should establish standards and time-

tables governing the pre-operational stages of a program as well as meaningful performance standards governing programs that are in operation. (2) A New York City agency should be established to identify treatment needs and service providers. (3) DSAS should consider a limited return to the direct provision of treatment either by itself or by a New York City agency. (4) State and local government agencies should pool information about social service contractors.

As a result of the Commission's investigation, the Director of DSAS was replaced, and we understand that the reforms that we recommended are under consideration by the new leadership of the agency.

16. A Ship Without a Captain: The Contracting Process in New York City

The Commission interviewed more than 60 City employees from 25 agencies responsible for contracting on the City's behalf, reviewed thousands of pages of contract documents, questioned over 70 vendors, consulted contracting experts, studied the work of the State-City Commission on Integrity in Government, the Institute for Public Administration and the Mayor's Private Sector Survey, and held public hearings in New York on October 24 and 25, 1989. The investigation culminated in this report, filed in December, 1989, detailing the problems besetting the City's contracting system, which is mired in red tape, vulnerable to corruption, and wasteful of millions of dollars that could otherwise be spent fighting crime, drug abuse and homelessness.

The Commission's recommendations included the appointment of a new Deputy Mayor whose sole responsibility would be to oversee implementation of the new contracting procedures that will be set by the Procurement Policy Board, which was established by the new City Charter. In addition, every City agency should be required to appoint a senior level Chief Contracting Officer, with professional procurement background, who would have primary responsibility for all aspects of the agency's contracting functions. The hundreds of City employees responsible for purchasing should receive adequate training, and the City should develop a system for reviewing contract decisions after the fact, on a selective post-audit basis, to make sure that contracts are awarded in accordance with the City's rules and procedures and that the City gets the best value for its dollars.

The Procurement Policy Board has instituted sweeping rule changes that take effect this month. Although not given Deputy Mayor designation, the Mayor has designated a City Chief Procure-

ment Officer. As part of the implementation of the new rules, every City agency has been directed to appoint a chief contracting officer with a professional procurement background who shall have responsibility for the agency's procurement functions. The City has also instituted a wide-ranging procurement training program targeted for all employees responsible for procurement.

17. Raising Our Sights: The Need for Ethics Training in Government

The Commission issued this report in February, 1990, after gathering and reviewing materials used by over one-hundred government agencies in New York City and New York State to educate their employees about their ethical obligations as public servants, as well as similar materials from other states and from public and private institutes and organizations across the country dedicated to developing the ethical consciousness of public employees. Based on this survey, it was apparent that only a few City and State agencies have made a strong commitment to ethics training, and that many see their responsibilities as beginning and ending with the dissemination to new employees of a hodgepodge of written material, such as the state penal code, conflicts of interest statutes, executive orders and Board of Ethics opinions.

The Commission made a number of recommendations for an effective ethics training program for public employees in the State. They included the following: (1) Employees at all levels of government should be provided clear guidelines explaining in plain language how to comply with existing "conflict of interest" and "ethics in government" laws. (2) Each state and local government agency needs to develop a code of conduct which clearly identifies the key issues of ethical importance to that agency and which establishes a link between those issues and the agency's overall values and goals. (3) Agencies must publicize the protections of the State's whistleblower law, and actively encourage and reward whistleblowers.

This report has stimulated attention to the issue of ethics training on the part of some State and City agencies, several of which have expressed their intention to implement programs responsive to the Commission's recommendations.

18. Brave Voices: Report and Recommendations on the Need for Better Whistleblower Protection

In March, 1990, the Commission filed this report recommending

that increased protection be given to state employees who reveal wrongdoing by public officials. The report was based on a detailed examination of the state's 1987 "whistleblower" statute, on an examination of similar federal, state and local laws, and on interviews and examinations of public employees and former public employees over a period of more than two years. It found that the present statute, while prohibiting public employers from retaliating against whistleblowers under prescribed circumstances, is inadequate to encourage public employees to speak out about misconduct in government.

The report contained six recommendations, as follows: (1) The law currently protects a public employee who discloses information which the employee reasonably believes to be true and reasonably believes to be a violation of any federal, state or local law rule or regulation. It should be expanded to protect disclosures of corruption, mismanagement, a conflict of interest, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety. (2) Under the current law, a public employee is not protected against retaliation unless, before making disclosure to other government bodies, the employee first attempts to disclose the wrongdoing to the employee's own agency. An agency of the State, such as the Governor's Counsel or the Attorney General, should be authorized to receive, in confidence from public employees, information regarding improper government action. Public employees should be permitted to make disclosure to the duly authorized agency, instead of to their superiors, and thereby preserve their anonymity from those who would be most likely to retaliate wrongfully. (3) Protection should be extended to public employees who provide truthful information at the request of a public body, rather than be limited, as is presently the case, to those who make disclosures on their own initiative. (4) Protection should be extended to private employees who disclose improper government action. (5) A state agency should be authorized to investigate claims by public employees that they were retaliated against because they disclosed improper government action. (6) Public employers should be required to post the whistleblower law accompanied by a brief summary and explanation or to give other appropriate notice of the law to all public employees.

As of this time, no action has been taken on the Commission's recommendations.

19. Underground Government: Preliminary Report on Authorities and Other Public Corporations

This report, issued in April, 1990, examines problems raised by the ways in which local authorities and government-sponsored not-for-profit corporations function at both state and local levels of New York government. It was based on an investigation in which the Commission compiled data about local authorities and state and local government-sponsored not-for-profit corporations derived from varied sources, including from the organizations themselves, through other Commission investigations, through reports publicly filed by the state authorities, and through interviews with contracting personnel in statewide authorities. The Commission found that there is a potential for favoritism, abuse of power, and even corruption on the part of these organizations because local authorities and state and local government-sponsored not-for-profit corporations are generally exempted by law from many of the controls designed to check favoritism, undue influence and abuse of official position, as well as corruption, fraud, waste and misuse of government funds.

The Commission recommended the following reforms: (1) Reports containing the names and addresses of all such organizations, the names and other affiliations of their governing personnel, the sources and amounts of the organization's income, the identities of those who receive benefits through the organization, and the dollar amounts of those benefits should be filed annually and made available to the public. (2) The award of benefits should in every case be made according to written criteria which relate to the organization's program, following formal procedures that apply to all, and with written documentation of the decision process. (3) All such entities should adopt effective internal control procedures, and those entities controlling benefits of more than \$1 million per year should have an annual outside audit made public. (4) Mechanisms should be put into place both to make sure that fund recipients fulfill the purposes of the organization's program, and to monitor the extent to which they are actually doing so; if they are not, the benefits should be revocable pursuant to a clear procedure. (5) Decision-makers in all such organizations should be subject to appropriate conflict-of-interest guidelines. (6) Employees of such organizations should be selected based on merit using procedures which make employment opportunities equally available to all who are qualified.

20. The Blurred Line: Party Politics and Government in Westchester County: Report and Recommendations

This report, issued in June, 1990, was the product of an eighteen-month investigation in Westchester County which culminated with public hearings on November 28 and 29, 1989. The investigation revealed a case study of the relationship between politics and government in a county dominated by a powerful local political party and its leader. The facts developed through the investigation served both to underscore the wisdom of the legislative reforms which followed the corruption scandals in New York City and to reinforce the Commission's contention that those reforms fall short of the mark.

In this report, the Commission made the following recommendations: (1) Those doing business with government should be prohibited from making contributions to political party committees headquartered within the jurisdiction of that government. (2) Employees of the State or of any political subdivision of the State should be prohibited from soliciting non-elected employees for political contributions. (3) The proscriptions of Election Law Section 17-158 regarding the corrupt use of authority and position by public officials should be extended to political party officials. (4) The 1985 amendment to the political caucus exemption of the Open Meetings Law should be repealed with respect to local legislative bodies. (5) Political considerations should be removed from personnel decisions in Westchester County.

In response to revelations made at the Commission's public hearings in November, 1989, Westchester County Executive O'Rourke proposed several reform measures which he indicated that he would recommend to the County's Board of Legislators. As of the date of this report, no official action has been taken on those reforms.

21. Poughkeepsie '85: A Case Study of Election Law Abuses

This report, issued in June, 1990, was the result of a nearly three year long investigation into the 1985 elections for Poughkeepsie Town Board. The investigation was conducted amidst a long series of meritless and vexatious lawsuits that were brought in a fruitless attempt to frustrate the investigation. The Commission examined both the financing methods employed in the 1985 campaign itself and the New York State Board of Elections' subsequent investigation of alleged improprieties in the campaign. The facts uncovered by the Commission revealed a slick and deceptive campaign scheme employed to hide the infusion of massive campaign contributions into a small town election. They also showed a glaringly inadequate Board of Elections

which failed to uncover many improprieties that had taken place during the election.

The investigation served to reinforce the Commission's prior findings regarding many of the inadequacies of New York State's campaign finance laws and of the organization of the Board of Elections itself.

In this report the Commission made the following recommendations, most of which had been made in earlier reports: (1) There should be substantial reductions in the amounts that individuals may contribute to party committees and political action committees as well as in the aggregate for political purposes. (2) Limits should be set on the amounts that party and political action committees may contribute to, or spend on behalf of, specific candidates. (3) An "earmarked" contribution should be deemed a contribution to the candidate who is its intended beneficiary, and the political committee receiving the earmarked contribution should be required to report both the identity of the contributor and the identity of the candidate or candidates for whom it is intended. (4) Reporting of so-called "independent expenditures" should be required. (5) The law should require the identification of parties paying for campaign literature and advertisements and whether the literature and advertisements are authorized by the supported candidate. (6) The law should call for complete and timely disclosure of all fundamental campaign financing information, including places of employment and home addresses of contributors and the specific purpose for each expenditure made or liability incurred. (7) Responsibility for enforcing the State's campaign finance laws should be removed from the State Board of Elections and entrusted to an independent agency.

22. Restoring the Public Trust: A Blueprint for Government Integrity. Volumes I and II.

Issued in September, 1990, the report reprints the previously-issued Volume I which summarized the Commission's recommendations from its inception through December, 1988. Volume II summarizes the Commission's recommendations from January, 1989 through September, 1990 for legislative reform in the following areas: patronage, municipal ethics, unfair incumbent advantage in the election law, contracting practices at the State and New York City level, ethics training, whistleblowers, public authorities and the conflicts arising when political officials exercise the powers of governmental officials.

As was the purpose for Volume I, this report was issued to present

a concise agenda for reform intended to inform the public and to stimulate public debate and involvement in the issues.

Appendix B — Reports Issued and Public Hearings Conducted by the Commission

The Commission has issued the following reports in the course of its work that provide more detailed information on the subjects described herein:

1. CAMPAIGN FINANCING: PRELIMINARY REPORT, issued December 21, 1987.
2. OPEN MEETINGS LAW: REPORT AND RECOMMENDATIONS, issued December 21, 1987.
3. ETHICS IN GOVERNMENT ACT: REPORT AND RECOMMENDATIONS, issued April 6, 1988.
4. BECOMING A JUDGE: REPORT ON THE FAILINGS OF JUDICIAL ELECTIONS IN NEW YORK STATE, issued May 19, 1988.
5. DRAFT OF PROPOSED ETHICS ACT FOR NEW YORK STATE MUNICIPALITIES, issued May 23, 1988.
6. CRIME SHOULDN'T PAY: A PENSION FORFEITURE STATUTE FOR NEW YORK, issued May 31, 1988.
7. ACCESS TO THE BALLOT IN PRIMARY ELECTIONS: THE NEED FOR FUNDAMENTAL REFORM, issued June 27, 1988.
8. CAMPAIGN FINANCE REFORM: THE PUBLIC PERSPECTIVE, issued July 13, 1988.
9. THE ALBANY MONEY MACHINE: CAMPAIGN FINANCING FOR NEW YORK STATE LEGISLATIVE RACES, issued August 2, 1988.
10. UNFINISHED BUSINESS: CAMPAIGN FINANCE REFORM IN NEW YORK CITY, issued September 28, 1988.
11. RESTORING THE PUBLIC TRUST: A BLUEPRINT FOR GOVERNMENT INTEGRITY, issued December 20, 1988.
12. MUNICIPAL ETHICS STANDARDS: THE NEED FOR A NEW APPROACH, issued December 29, 1988.
13. THE MIDAS TOUCH: CAMPAIGN FINANCE PRACTICES OF STATEWIDE OFFICEHOLDERS, issued June 7, 1989.
14. "PLAYING BALL" WITH CITY HALL: A CASE STUDY OF POLITICAL PATRONAGE IN NEW YORK CITY, issued August 7, 1989.
15. EVENING THE ODDS: THE NEED TO RESTRICT UNFAIR INCUMBENT ADVANTAGE, issued October 31, 1989.
16. EXPANDING DRUG TREATMENT: THE NEED FOR FAIR CONTRACTING PRACTICES, issued December 14, 1989.

17. **A SHIP WITHOUT A CAPTAIN: THE CONTRACTING PROCESS IN NEW YORK CITY**, issued December 18, 1989.
18. **RAISING OUR SIGHTS: THE NEED FOR ETHICS TRAINING IN GOVERNMENT**, issued March 1, 1990.
19. **BRAVE VOICES: REPORT AND RECOMMENDATIONS ON THE NEED FOR BETTER WHISTLEBLOWER PROTECTION**, issued March 13, 1990.
20. **UNDERGROUND GOVERNMENT: PRELIMINARY REPORT ON AUTHORITIES AND OTHER PUBLIC CORPORATIONS**, issued April 26, 1990.
21. **THE BLURRED LINE: PARTY POLITICS AND GOVERNMENT IN WESTCHESTER COUNTY: REPORT AND RECOMMENDATIONS**, issued June 12, 1990.
22. **POUGHKEEPSIE '85: A CASE STUDY OF ELECTION LAW ABUSES**, issued June 27, 1990.
23. **RESTORING THE PUBLIC TRUST: A BLUEPRINT FOR GOVERNMENT INTEGRITY. VOLUMES I AND II**, issued September 18, 1990.

The Commission has placed copies of these reports at the following locations: The New York State Legislative Library, Capitol Building, Room 337, Albany, N.Y. 12224; Senate Research Service, New York State Senate, Capitol Building, Albany, N.Y. 12247; The New York State Library, Cultural Education Center, Albany, N.Y. 12230; Government Law Center, Albany Law School, 80 New Scotland Ave., Albany, N.Y. 12208; Fordham University School of Law, Law Library, 140 W. 62nd Street, New York, N.Y. 10023; Municipal Reference and Research Center, Room 111, 31 Chambers Street, New York, N.Y. 10007. Copies of each report have also been placed with the offices of the Governor, Comptroller, Attorney General, and each of the members of the New York State Senate and Assembly.

The Commission has computerized the following records of the State Board of Elections:

1. **STATEWIDE OFFICEHOLDERS New York State: January, 1983-January, 1989**. Sorted alphabetically by contributor and alphabetically by contributor address.
2. **CITYWIDE OFFICEHOLDERS New York City: January, 1983-January, 1989**. Sorted alphabetically by contributor and alphabetically by contributor address.

3. STATE PARTY COMMITTEES (Democratic and Republican) New York State: January, 1981-January, 1989. Sorted alphabetically by contributor.
4. LEGISLATIVE PARTY COMMITTEES (Senate Democratic and Republican) New York State: November, 1982-January, 1989. Sorted alphabetically by contributor.
5. LEGISLATIVE PARTY COMMITTEES (Assembly Democratic and Republican) New York State: November, 1982-January, 1989. Sorted alphabetically by contributor.
6. STATE LEGISLATORS New York State: January, 1985-January, 1989. Individual reports on each. Senator or assemblyperson sorted alphabetically by contributor.
7. BOROUGH PRESIDENTS New York City: January, 1983-January, 1989. Sorted by Borough President, alphabetically by contributor.
8. NEW YORK CITY COUNCIL January, 1980-January, 1989. Individual reports on each member sorted alphabetically by contributor.
9. POLITICAL ACTION COMMITTEES January, 1984-January, 1989. Individual reports on contributions of fifty major PACs to candidates throughout New York State.
10. FORM 333 INFORMATION January, 1986-June, 1989. Sorted alphabetically by individual and company of those with contracts for review by New York City Board of Estimate.

For information concerning these computerized records please contact:

State of New York
State Board of Elections
P.O. Box 4
One Commerce Plaza
Albany, New York 12260
Attention: Director of Automation

The Commission also held the following public hearings in the course of our investigations:

1. October 21-23, 1987 in New York City and Buffalo. Forums on campaign financing with expert witnesses, including Dr. Herbert Alexander.

2. November 4 and 5, 1987 in Rochester. Hearing on the Open Meetings Law.
3. January 26, 1988 in Albany. Hearing on Poughkeepsie Town Board election of 1985.
4. March 3 and 9, 1988 in New York City. Hearing on judicial selection procedures in New York State.
5. March 14 and 15, 1988 in New York City. Hearing on campaign financing focusing on the fundraising practices of state-wide and New York City-wide officeholders. Received testimony from fundraisers and from large contributors.
6. June 20, 1988 in New York City. Hearing on campaign financing focusing on the fundraising practices of New York City-wide officeholders. Received testimony from Mayor Koch, City Council President Stein and Comptroller Goldin.
7. September 23, 1988 in New York City. Hearing on campaign financing focusing on fundraising practices of New York State Comptroller Regan.
8. October 25, 1988 in New York City. Continuation of January 26, 1988 hearing on Poughkeepsie Town Board election of 1985. Focus on New York State Board of Elections investigation of the 1985 election.
9. November 22, 1988 in Albany. Hearing on Commission's proposed Municipal Ethics Act.
10. January 9 and 11, 1989 in New York City. Hearing on political patronage practices in New York City.
11. March 10, 1989 in Albany. Hearing on campaign financing focusing on the fundraising practices of Governor Cuomo and Attorney General Abrams.
12. March 17, 1989 in Albany. Hearing on campaign financing focusing on the fundraising practices of the New York State legislature. Received testimony from Senate Majority Leader Marino and Assembly Speaker Miller.
13. April 4 and 5, 1989 in New York City. Continuation of January 9 and 11, 1989 hearings on political patronage practices in New York City.
14. June 26, 1989 in Albany. Hearing on Albany City government.
15. July 27, 1989 in New York City. Hearing focusing on the solici-

tation of campaign work and contributions from employees of the Queens County District Attorney's Office.

16. October 24 and 25, 1989 in New York City. Hearing on the contracting and procurement practices of New York City government.
17. November 28 and 29, 1989 in White Plains. Hearing on the involvement of political parties in the operation of government in Westchester County, focusing on the operations of Playland Amusement Park.

**Appendix C — New York State Commission on Government
Integrity Staff**

Thomas J. Schwarz - Special Counsel to the Commission
Peter Bienstock - Executive Director
Kevin J. O'Brien - Chief Counsel
Nicole A. Gordon - Counsel to the Chairman
Timothy J. Brosnan - Counsel to the Chairman (commencing
February, 1990)
Linda Sachs - Press Secretary

Deputy Counsels

Constance Cushman	John Kaley
Mark Davies	James M. McGuire
V. Pamela Davis	Kim Greene
	Carol B. Schachner

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G. Michael Bellinger	Sherrie McNulty
Timothy J. Brosnan	Thomas A. McShane
Arthur Fama	Emily R. Remes
Laurie Linton	Andrew Schulz
Alexandra D. Lowe	Terri Seligman
Robert Maher	Robin B. Shanus
	William Treanor

Investigative Staff

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Anthony Carpinello - Deputy Chief
Brian Carroll - Deputy Chief
William Kilgallon - Deputy Chief

Staff Investigators

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Margaret Bavuso	Eugene Moran
Matthew Devine	Timothy O'Brien
John Edge	Alfred N. Santos
John Fox	Peter Scalcione

Paralegal and Support Staff

Rhoda Golden - Office Manager	
Frances Alexander	Anthony Maestrey
Ayla Bachman	Robert Manago
Frank Bastone	Maherly Manigault
Becky Becker	Ann McRae
Felicia Black	Ann Melnick
Marilyn Bodner	Don Mousted
James Bradley	Annette Neet
David Brown	Paul Outka
Jennifer Cecere	Rahnee Prasad
Marilyn Coleman	Karen Roth
Jacqueline Cooke	Bobbie Rouse
Emily Edmunds	Shelley Ruth
Magda Gebran	Donna Ryan
Virginia Gray	Martha Silva
Kimmee Janco	Richard Soto
Gwendolyn Jenkins	Corinna Vecsey
Luis Jimenez	Hung Vu
Ann Jones	Frances Vuolo
Tom Kao	Janie Woodburne
	Sue Yau

William J. Small served as Director of Communications from the Commission's inception through November, 1987.

Appendix D — Commission Litigation

1. *Spargo v. Abrams and New York State Commission on Government Integrity*, No. 87-1611 (N.D.N.Y. 1988) (unpublished decision), *appeal dismissed*, No. 88-7085 (2d Cir. 1988).
2. *In the Matter of Building A Better New York Committee v. New York State Commission on Government Integrity*, 138 Misc. 2d 829, 525 N.Y.S.2d 488 (Sup. Ct., Albany Co. 1988).
3. *In the Matter of New York Republican State Committee v. New York State Commission on Government Integrity*, 138 Misc. 2d 790, 525 N.Y.S.2d 527 (Sup. Ct., New York Co. 1988).
4. *In re New York Republican State Committee v. New York State Commission on Government Integrity*, 138 A.D.2d 884, 526 N.Y.S.2d 264 (3d Dep't), *appeal denied*, 72 N.Y.2d 803, 528 N.E.2d 521, 532 N.Y.S.2d 369 (1988).
5. *In re New York Republican State Committee v. New York State Commission on Government Integrity*, No. M-1173 (1st Dep't March 31, 1988) (LEXIS, State Library, NY file).
6. *In re New York Republican State Committee v. New York State Commission on Government Integrity*, 140 A.D.2d 1014, 529 N.Y.S.2d 983 (1st Dep't 1988).
7. *In re New York Republican State Committee v. New York State Commission on Government Integrity*, 72 N.Y.2d 803, 528 N.E.2d 521, 532 N.Y.S.2d 369 (1988).
8. *In re Lurie v. New York State Commission on Government Integrity*, No. M-2785 (1st Dep't July 28, 1988) (LEXIS, State Library, NY file).
9. *Spargo v. New York State Commission on Government Integrity, and New York State Board of Election*, No. 88-816 (Sup. Ct., Albany Co.) (unpublished decision), *rev'd*, 140 A.D.2d 26, 531 N.Y.S.2d 417 (3d Dep't), *motion for leave to appeal denied*, 72 N.Y.2d 809, 531 N.E.2d 299, 534 N.Y.S.2d 667 (1988).
10. *New York State Commission on Government Integrity v. Congel*, 142 Misc. 2d 9, 535 N.Y.S.2d 880 (Sup. Ct., New York Co. 1988), *modified*, 156 A.D.2d 274, 548 N.Y.S.2d 663 (1st Dep't 1989), *motion to vacate stay granted, appeal dismissed*, 75 N.Y.2d 836, 552 N.E.2d 170, 552 N.Y.S.2d 922 (1990).
11. *Spargo v. New York State Commission on Government Integrity*, No. 88-815 (Sup. Ct., Albany Co.) (unpublished decision), *rev'd*, 144 A.D.2d 897, 534 N.Y.S.2d 826 (3d Dep't 1988), *motion for*

leave to appeal dismissed, 73 N.Y.2d 871, 534 N.E.2d 334, 537 N.Y.S.2d 495 (1989).

12. *Spargo v. Feerick*, No. 89-1315 (N.D.N.Y. 1989) (temporary restraining order denied, action withdrawn).
13. *City of Albany Industrial Development Agency v. New York State Commission on Government Integrity*, 144 Misc. 2d 342, 544 N.Y.S.2d 936 (Sup. Ct., New York Co. 1989).
14. *New York Commission on Government Integrity v. Spargo*, Nos. 88-40158, 88-47401 (Sup. Ct., New York Co. 1989) (unpublished decision), *motion for stay pending appeal denied*, No. 5638 (1st Dep't October 26, 1989) (LEXIS, State Library, NY file).
15. *Riker v. New York State Commission on Government Integrity*, 153 A.D.2d 158, 550 N.Y.S.2d 459 (3d Dep't 1990).